

PROBATE COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Denver, CO 80202	DATE FILED: November 3, 2017 11:34 AM FILING ID: E9C93B69E7E1E CASE NUMBER: 2012PR1772
In the Interest of: JOANNE BLACK, Protected Person.	COURT USE ONLY
Attorney: Lisa DiPonio, Esq., #27707 DiPonio & DiPonio, LLC 7931 S. Broadway, #348 Littleton, CO 80112 (303) 955-2080; Email: diponiolawfirm@comcast.net Counsel for Joanne Black	Case No.: 12PR1772 Division: 1
Young & Zen, LLC Gayle Y.L. Young, Esq. #17107 P.O. Box 307 Littleton, CO 80160 (303) 738-9546; Email: d.zen@q.com Guardian ad Litem for Joanne Black	

COME NOW, Lisa DiPonio, court-appointed counsel on behalf of the Protected Person, Joanne Black, and Gayle Young, court-appointed Guardian ad Litem for Joanne Black, and request an Order enjoining Bernard Black from wasting Joanne Black's assets, requiring him to return stolen assets, and reauthorizing the transfer of funds from the Supplemental Needs Trust to pay the fees and costs of Holland and Hart, Lisa DiPonio, Gayle Young and Pamela Kerr as previously approved and Ordered by the Court. As grounds therefore, it is stated as follows:

1. On June 23, 2017, this Court granted Anthony Dain's Second Accounting for Partial Fees and Costs and Request for Approval of Further Fees and Costs, allowing Mr. Black to schedule a hearing on the reasonableness of the fees. Mr. Black so scheduled a hearing.

2. On October 4, 2017, a hearing was held on Anthony Dain's Second Accounting for Partial Fees and Costs and Request for Approval of Further Fees and Costs and the Court approved payment of the fees and costs of court-appointed counsel, Lisa DiPonio, and Guardian ad Litem, Gayle Young, from the 1997 Supplemental Needs Trust. Counsel for Bernard Black withdrew any objection to these fees.

3. On October 23, 2017, the Court issued a written Order approving all fees and costs requested in Anthony Dain's Second Accounting for Partial Fees and Costs and Request for Approval of Further Fees and Costs. This Order approved payments to Pamela Kerr, forensic accountant, and Holland and Hart, Joanne Black's appellate attorneys, as well as the payments

approved on October 4, 2017.

4. Anthony Dain, in his capacity as trustee of the Supplemental Needs Trust, issued checks for the authorized payments only to find that the funds in the account were insufficient to make these payments because Bernard Black had surreptitiously withdrawn \$258,000 from the Supplemental Needs Trust on October 20, 2017 by accessing the checking account online. Bernard Black did so despite the Court's freeze Orders denying him access to the Supplemental Needs Trust, and despite the Court's Orders on September 28, 2015, removing Bernard Black as Conservator for Joanne Black and the Court's recommendation that Bernard Black "not be appointed as a fiduciary for his sister Joanne Black in any capacity and especially not in any capacity involving Joanne Black's funds."¹

5. When Bernard Black filed his Motion on October 26, 2017, asking the Court to stay its Orders granting Anthony Dain's Second Accounting for Partial Fees and Costs and Request for Approval of Further Fees and Costs, he did so knowing that he had already stolen the assets he was seeking a stay upon. His motion was, thus, frivolous and fraudulent, brought to intentionally delay and obfuscate.

WHEREFORE, the undersigned counsel and Guardian ad Litem for Joanne Black respectfully request that Bernard Black be enjoined from transferring the funds he has stolen from the Supplemental Needs Trust, that he be Ordered to return the stolen funds, or set the matter for a forthwith hearing, and any other Orders the Court deems appropriate.

Respectfully submitted this 3rd day of November, 2017.

DIPONIO & DIPONIO, LLC

/s/ Lisa DiPonio

Lisa DiPonio, Esq., #27707
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Counsel for Joanne Black

¹ Mr. Black's theft is not only in deliberate defiance of the Court's June 23, 2017 and October 23, 2017 Orders, but in continuing violation of the Court's multiple Orders freezing his access to the Supplemental Needs Trust accounts. In the June 23, 2017 Order, the Court cited specifically to the Court's April 2, 2015 Status Conference Order, admonishing: "The distinguishing fact, Mr. Black may recall, is that in this case, the Court froze the assets of the SNT following allegations of misconduct against him regarding the Protected Person's assets; and later, following the Court's determination that Mr. Black should not have any control over the Protected Person's trust or funds, limited distribution to those authorized by the Court."

YOUNG & ZEN, LLC

/s/ Gayle Y.L. Young

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Guardian ad Litem for Joanne Black

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2017, I have electronically filed or mailed a true and correct copy of the within MOTION AND ORDER FOR INJUNCTION AGAINST BERNARD BLACK AND REQUEST FOR FORTHWITH HEARING in the U.S. mail, first-class postage pre-paid, and properly addressed to the following:

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/s/ Gayle Young
